

ESTTA Tracking number: **ESTTA526293**

Filing date: **03/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Prosper, Inc.		
Entity	Corporation	Citizenship	Utah
Address	5252 N. Edgewood Drive, Suite 150 Provo, UT 84604 UNITED STATES		

Attorney information	Richard L. Hill Hill, Johnson & Schmutz 4844 North 300 West, Suite 300 Provo, UT 84604 UNITED STATES trademarks@hjslaw.com Phone:801-375-6600
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### Registration Subject to Cancellation

Registration No	4123910	Registration date	04/10/2012
International Registration No.	NONE	International Registration Date	NONE
Registrant	Felix Dennis 2nd Floor 9-11 Kingly Street London, W1B5PN UNITED KINGDOM		

### Goods/Services Subject to Cancellation


Class 009. All goods and services in the class are cancelled, namely: Downloadable electronic publications, namely, magazines, newspapers, newsletters, periodicals in the field of financial information
Class 016. All goods and services in the class are cancelled, namely: Magazines, newspapers, newsletters, periodicals in the field of financial information
Class 041. All goods and services in the class are cancelled, namely: Publication of magazines, newspapers, newsletters, periodicals, electronic magazines

### Grounds for Cancellation


Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)


### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3364998	Application Date	04/24/2007
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations		


U.S. Registration No.	3608829	Application Date	09/18/2008
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31 Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business		


U.S. Registration No.	3688385	Application Date	09/12/2008
Registration Date	09/29/2009	Foreign Priority Date	NONE
Word Mark	PROSPER		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31 Publications, namely, books, booklets, manuals, workbooks, instructor manuals, overheads, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business

U.S. Registration No.	3688383	Application Date	09/12/2008
Registration Date	09/29/2009	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31 Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies		


U.S. Registration No.	3608830	Application Date	09/18/2008
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	PROSPER		


Design Mark	
Description of Mark	The mark consists of The word "PROSPER" with three vertical lines of different lengths centered above the word.
Goods/Services	Class 041. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31 Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business

U.S. Registration No.	3741680	Application Date	09/12/2008
Registration Date	01/26/2010	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	The mark consists of "PROSPER" with three vertical lines of different lengths centered above the word.		
Goods/Services	Class 016. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31 Publications, namely, books, booklets, manuals, workbooks, instructor manuals, paper and plastic overhead transparencies, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business		


U.S. Registration No.	3688384	Application Date	09/12/2008
Registration Date	09/29/2009	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	The mark consists of the word "PROSPER" with three vertical lines of different lengths centered above the word.		
Goods/Services	Class 009. First use: First Use: 2005/01/31 First Use In Commerce: 2005/01/31		

	Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing, ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies		
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U.S. Registration No.	3113045	Application Date	01/11/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	PROSPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Education services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, heating, ventilation and air conditioning businesses		

U.S. Registration No.	3199564	Application Date	01/11/2005
Registration Date	01/16/2007	Foreign Priority Date	NONE
Word Mark	PROSPER LEARNING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2006/01/23 First Use In Commerce: 2006/01/23 Education services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, ventilation, and air conditioning businesses		

U.S. Registration No.	3202019	Application Date	03/29/2006
Registration Date	01/23/2007	Foreign Priority Date	NONE
Word Mark	YOUR LIFE IS YOUR BUSINESS, MAKING IT PROSPER IS OURS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations

Attachments	77163901#TMSN.jpeg ( 1 page )( bytes ) 77573177#TMSN.jpeg ( 1 page )( bytes ) 77569163#TMSN.jpeg ( 1 page )( bytes ) 77569089#TMSN.jpeg ( 1 page )( bytes ) 77573228#TMSN.jpeg ( 1 page )( bytes ) 77569185#TMSN.jpeg ( 1 page )( bytes ) 77569116#TMSN.jpeg ( 1 page )( bytes ) 78545326#TMSN.jpeg ( 1 page )( bytes ) 78545346#TMSN.jpeg ( 1 page )( bytes ) 78849092#TMSN.jpeg ( 1 page )( bytes ) Prosper Cancellation Petition 12Mar13.pdf ( 8 pages )(529143 bytes ) Prosper Cancellation action Exhibits 12Mar13.pdf ( 39 pages )(3827210 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard L. Hill/
Name	Richard L. Hill
Date	03/12/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4,123,910

Trademark: PROSPER

International Classes: 9, 16 and 41

Prosper, Inc.

Petitioner

vs.

Dennis Felix

Registrant

Cancellation No. \_\_\_\_\_

**PETITION FOR CANCELLATION**

Prosper, Inc, a corporation duly organized under the laws of the State of Utah located and doing business at 5252 N. Edgewood Drive, Suite 150, Provo, UT 84604, believes that it has been and will continue to be damaged by the continued registration of the mark PROSPER in International Classes 9, 16 and 41 (“Registrant’s Mark”), as shown in U.S. Trademark Registration No. 4,123,910, registered January 24, 2012, and hereby petitions to cancel the same.

To the best of Petitioner’s knowledge, the name and address of the current owner of record of the Trademark Registration is Dennis Felix, 2<sup>nd</sup> Floor 9-11 Kingly Street, London, United Kingdom W1B5PN (“Registrant”).

The grounds for cancellation are as follows:

1. Petitioner is now and has been for a number of years engaged in the business of providing publications, electronic products and services, including coaching and training in several financial and investment areas, including e-commerce, entrepreneurship, small business, personal finances, real estate investing and the stock market investing (“Petitioner’s Goods and Services”).

2. Petitioner has adopted and has been using the trademarks PROSPER, PROSPERING, PROSPER LEARNING and other variations thereof (“Petitioner’s Family of Trademarks”) for Petitioner’s Goods and Services in its business since at least as early as January 2005. Petitioner is currently using Petitioner’s Family of Trademarks. Said use has been valid and continuous since the date of first use and has not been abandoned.

3. Petitioner is the owner of ten (10) U.S. trademark registrations in its Family of Trademarks for the mark “PROSPER” and variations thereof, in International Classes 41, 16 and 9 (“Petitioner’s Ten Trademark Registrations”) copies of which are attached hereto as indicated:

(A) U.S. Trademark Registration No. 3,364,998, registered January 8, 2008 for “PROSPER” with respect to “Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations” in International Class 41, a copy of the registration being attached hereto as Exhibit A;

(B) U.S. Trademark Registration No. 3,608,829, registered April 21, 2009 for “PROSPER” with respect to “Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and



small business” in International Class 41, a copy of the registration being attached hereto as Exhibit B;

(C) U.S. Trademark Registration No. 3,688,385, registered September 29, 2009 for “PROSPER” with respect to “Publications, namely, books, booklets, manuals, workbooks, instructor manuals, overheads, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business” in International Class 16, a copy of the registration being attached hereto as Exhibit C;

(D) U.S. Trademark Registration No. 3,688,383, registered September 29, 2009 for “PROSPER” with respect to “Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies” in International Class 9, a copy of the registration being attached hereto as Exhibit D;

(E) U.S. Trademark Registration No. 3,608,830, registered April 21, 2009 for “PROSPER and design” with respect to “Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business” in International Class 41, a copy of the registration being attached hereto as Exhibit E;

(F) U.S. Trademark Registration No. 3,741,680, registered January 26, 2010 for “PROSPER” and design, with respect to “Publications, namely, books, booklets, manuals, workbooks, instructor manuals, paper and plastic overhead transparencies, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock

market investing, personal finance and small business” in International Class 16, a copy of the registration being attached hereto as Exhibit F;

(G) U.S. Trademark Registration No. 3,688,384, registered September 29, 2009 for “PROSPER” and design with respect to “Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing, ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies” in International Class 9, a copy of the registration being attached hereto as Exhibit G;

(H) U.S. Trademark Registration No. 3,113,045, registered July 4, 2006 for “PROSPER” and design with respect to “Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, heating, ventilation and air conditioning business” in International Class 41, a copy of the registration being attached hereto as Exhibit H;

(I) U.S. Trademark Registration No. 3,199,564, registered January 16, 2007 for “PROSPER LEARNING” with respect to “Education services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, ventilation, and air conditioning businesses” in International Class 41, a copy of the registration being attached hereto as Exhibit I;

(J) U.S. Trademark Registration No. 3,202,019, registered January 23, 2007 for “YOUR LIFE IS YOUR BUSINESS, MAKING IT PROSPER IS OURS” with respect to “Educational services, namely, providing tutorial sessions in the fields of real estate

investing, stock investing, and marketing and business operations.” in International Class 41, a copy of the registration being attached hereto as Exhibit J.

4. Petitioner is the owner of three (3) U.S. trademark applications in its Family of Trademarks for the mark “PROSPERING” in International Classes 41, 16 and 9 (“Petitioner’s Three Trademark Applications”) copies of which are attached hereto as indicated:

(K) U.S. Trademark Application Serial No. 85/481,719, filed November 28, 2011 for “PROSPERING” with respect to “Educational services, namely, training, workshops, seminars, and personal coaching, all in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business; providing online books, workbooks, manuals, periodicals and newsletters in the fields of business and investing, providing a website featuring with non-downloadable books, workbooks, manuals, periodicals and newsletters featuring information in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business; Non-downloadable online electronic books, workbooks, manuals, periodicals and newsletters delivered by e-mail in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business” in International Class 41, a copy of the registration being attached hereto as Exhibit K;

(L) U.S. Trademark Application Serial No. 85/481,784, filed November 28, 2011 for “PROSPERING” with respect to “Publications, namely, books, booklets, manuals, workbooks, instructor manuals, newsletters, periodicals, paper and transparency documents for display by overhead projector, charts, tables and handouts, all in the fields

of business and investing, including ecommerce, real estate investing, stock market investing, personal finances, and small business” in International Class 16, a copy of the registration being attached hereto as Exhibit L;

(M) U.S. Trademark Application Serial No. 85/481,895, filed November 28, 2011 for “PROSPERING” with respect to “Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and multimedia computer software for training and education, computer application software for mobile phones, portable computers and desktop computers for training and education, all in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance, small business and starting a home business.” in International Class 9, a copy of the registration being attached hereto as Exhibit M;

5. Registrant obtained Trademark Registration No. 4,123,910 on January 24, 2012 for “PROSPER” with respect to “downloadable electronic publications, namely, magazines, newspapers, newsletters, periodicals in the field of financial information” in International Class 9; “Magazines, newspapers, newsletters, periodicals in the field of financial information” in International Class 16; and “Publication of magazines, newspapers, newsletters, periodicals, electronic magazines” in International Class 41 (“Registrant’s Registration”). Registrant’s Registration was based Section 44(e) of the Lanham Act (15 USC 1126(e)), and was not based on use of Registrant’s Mark in commerce. A copy of the computer record describing Registrant’s Registration is attached hereto as Exhibit N.

6. Petitioner's Three Trademark Applications have been rejected on the basis of a Section 2(d) conflict with Registrant's Registration.

7. Registrant's Mark, as applied to the goods and services described in Registrant's Registration with respect to International Classes 9, 16, and 41, so resembles Petitioner's Family of Trademarks for "PROSPER" as represented by Petitioner's Ten Trademark Registrations, as to be likely to cause confusion or cause mistake, or to deceive.

8. Registrant's Registration is likely to cause confusion or cause mistake, or to deceive with respect to Petitioner's Ten Trademark Registrations.

9. Moreover, Petitioner's Goods and Services described in Petitioner's Family of Trademarks are marketed and sold as a family of goods and services, with which Registrant's Mark and Application for "PROSPER" are likely to cause confusion, or cause mistake or deception.

10. Based on the foregoing, the continued registration of Registrant's Registration as described above will cause injury and damage to the Petitioner.

11. Petitioner is likely to be damaged by the Registrant's Registration, and Petitioner's legal rights to Petitioner's Family of Trademarks are likely to be damaged or impaired by the Registrant's Registration.

12. Petitioner's Ten Trademark Registrations have clearly established priority of trademark use and registration.

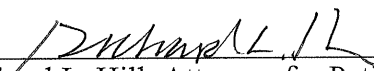
13. Moreover, on information and belief, Registrant has not used and/or is not using Registrant's Mark in the United States of America and has abandoned the same.

14. In view of the foregoing, Petitioner is entitled to request cancellation of Registrant's Registration.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained in favor of Petitioner and that U.S. Trademark Registration No. 4,123,910 be cancelled.

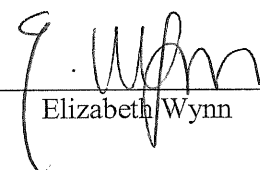
Dated March 12, 2013.

PROSPER, INC.

By:   
Richard L. Hill, Attorney for Petitioner  
HILL, JOHNSON & SCHMUTZ  
4844 North 300 West, Suite 300  
Provo, Utah 84604

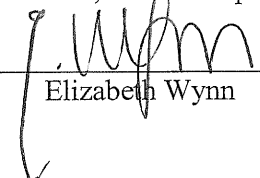
CERTIFICATE OF MAILING

I hereby certify that the foregoing Petition for Cancellation of U.S. Trademark Registration No. 4,123,910 and payment of the \$900 filing fee were electronically submitted to the US Patent and Trademark Office, Trademark Trial and Appeal Board via ESTTA.

Signature:  3/12/13  
Elizabeth Wynn Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Cancellation was served by U.S. Postal Service Mail, postage prepaid on the date shown below, to Registrant's Attorney at the correspondence address of record listed with the USPTO – Robert J. Debrauwere Pryor Cashman LLP, 7 Times Square, Floor 3, New York, New York 10036-6569

Signature:  3/12/13  
Elizabeth Wynn Date

# EXHIBIT A

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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# PROSPER

Word Mark	PROSPER
Goods and Services	IC 041. US 100 101 107. G & S: Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77163901
Filing Date	April 24, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 23, 2007
Registration Number	3364998
Registration Date	January 8, 2008
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior Registrations	3113045
Type of Mark	SERVICE MARK
Register	PRINCIPAL



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Indicator

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# EXHIBIT B

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Cancellation Action for PROSPER

Trademark Registration No.: 4,123,910



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# PROSPER

Word Mark	PROSPER
Goods and Services	IC 041. US 100 101 107. G & S: Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77573177
Filing Date	September 18, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 3, 2009
Registration Number	3608829
Registration Date	April 21, 2009
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior Registrations	3113045;3199564;3364998
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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# EXHIBIT C

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Cancellation Action for PROSPER

Trademark Registration No.: 4,123,910



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# PROSPER

Word Mark	PROSPER
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Publications, namely, books, booklets, manuals, workbooks, instructor manuals, overheads, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77569163
Filing Date	September 12, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 14, 2009
Registration Number	3688385
Registration Date	September 29, 2009
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior Registrations	3113045;3199564;3364998

Type of Mark      TRADEMARK  
Register          PRINCIPAL  
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# EXHIBIT D

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Cancellation Action for PROSPER

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# PROSPER

Word Mark	PROSPER
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77569089
Filing Date	September 12, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 14, 2009
Registration Number	3688383
Registration Date	September 29, 2009
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior	3113045;3199564;3364998

**Registrations**

**Type of Mark**      TRADEMARK  
**Register**            PRINCIPAL  
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# EXHIBIT E

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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PROSPER

<b>Word Mark</b>	PROSPER
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Educational services, namely, coaching and training in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	77573228
<b>Filing Date</b>	September 18, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 3, 2009
<b>Registration Number</b>	3608830
<b>Registration Date</b>	April 21, 2009
<b>Owner</b>	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
<b>Attorney of Record</b>	Richard L. Hill
<b>Prior Registrations</b>	3113045;3199564;3364998

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of The word "PROSPER" with three vertical lines of different lengths centered above the word.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# EXHIBIT F

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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PROSPER

Word Mark	PROSPER
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Publications, namely, books, booklets, manuals, workbooks, instructor manuals, paper and plastic overhead transparencies, charts, tables and handouts, all in the fields of ecommerce, real estate investing, stock market investing, personal finance and small business. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.13.14 - Quadrilateral (three or more quadrilaterals); Three or more quadrilaterals 26.13.21 - Quadrilaterals that are completely or partially shaded
Trademark Search Facility Classification Code	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs
Serial Number	77569185
Filing Date	September 12, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 10, 2009
Registration Number	3741680
Registration Date	January 26, 2010
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior	3113045;3199564;3364998

**Registrations**

<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of "PROSPER" with three vertical lines of different lengths centered above the word.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# EXHIBIT G

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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PROSPER

<b>Word Mark</b>	PROSPER
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and computer software for training and education regarding stock investing, real estate investing, ecommerce, Internet business, entrepreneurship, personal finance, and debt/wealth strategies. FIRST USE: 20050131. FIRST USE IN COMMERCE: 20050131
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.13.14 - Quadrilateral (three or more quadrilaterals); Three or more quadrilaterals 26.13.21 - Quadrilaterals that are completely or partially shaded
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
<b>Serial Number</b>	77569116
<b>Filing Date</b>	September 12, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 14, 2009
<b>Registration Number</b>	3688384
<b>Registration Date</b>	September 29, 2009
<b>Owner</b>	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
<b>Attorney of Record</b>	Richard L. Hill

**Prior Registrations** 3113045;3199564;3364998  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the word "PROSPER" with three vertical lines of different lengths centered above the word.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# EXHIBIT H

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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## Record 1 out of 1

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PROSPER

Word Mark	PROSPER
Goods and Services	IC 041. US 100 101 107. G & S: Education services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, heating, ventilation and air conditioning businesses. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.25 - Other lines, bands or bars
Serial Number	78545326
Filing Date	January 11, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 27, 2005
Registration Number	3113045
Registration Date	July 4, 2006
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5252 North Edgewood Drive, Suite 150 Provo UTAH 84604
Attorney of Record	Richard L. Hill
Description of Mark	The color(s) black, blue, orange, and red is/are claimed as a feature of the mark. The color black appears in the letters PROSPER, the color blue appears in the shortest of the three vertical slash

marks, the color orange appears in the middle slash mark, and the color red appears in the longest slash mark.

**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# EXHIBIT I

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Cancellation Action for PROSPER

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[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)**Prosper Learning**

<b>Word Mark</b>	PROSPER LEARNING
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Education services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations not directed to facilities that repair and maintain automobiles and motors or plumbing, ventilation, and air conditioning businesses. FIRST USE: 20060123. FIRST USE IN COMMERCE: 20060123
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78545346
<b>Filing Date</b>	January 11, 2005
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 27, 2005
<b>Registration Number</b>	<b>3199564</b>
<b>Registration Date</b>	January 16, 2007
<b>Owner</b>	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
<b>Attorney of Record</b>	Richard L. Hill
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LEARNING" APART FROM THE MARK AS SHOWN



Type of Mark    SERVICE MARK  
Register        PRINCIPAL  
Live/Dead  
Indicator       LIVE

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# EXHIBIT J

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Cancellation Action for PROSPER

Trademark Registration No.: 4,123,910



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[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)YOUR LIFE IS YOUR  
BUSINESS, MAKING IT  
PROSPER IS OURS

Word Mark	YOUR LIFE IS YOUR BUSINESS, MAKING IT PROSPER IS OURS
Goods and Services	IC 041. US 100 101 107. G & S: Educational services, namely, providing tutorial sessions in the fields of real estate investing, stock investing, and marketing and business operations. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78849092
Filing Date	March 29, 2006
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 7, 2006
Registration Number	3202019
Registration Date	January 23, 2007
Owner	(REGISTRANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

# EXHIBIT K

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Cancellation Action for PROSPER  
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## PROSPERING

**Word Mark** PROSPERING

**Goods and Services** IC 041. US 100 101 107. G & S: Educational services, namely, training, workshops, seminars, and personal coaching, all in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business; providing online books, workbooks, manuals, periodicals and newsletters in the fields of business and investing, providing a website featuring with non-downloadable books, workbooks, manuals, periodicals and newsletters featuring information in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business; Non-downloadable online electronic books, workbooks, manuals, periodicals and newsletters delivered by e-mail in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance and small business

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85481719

**Filing Date** November 28, 2011

**Current Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604

**Attorney of Record** Richard L. Hill

**Prior Registrations** 3113045;3364998;3688383;3688384;AND OTHERS

**Type of Mark** SERVICE MARK

Register      PRINCIPAL  
 Live/Dead  
 Indicator      LIVE

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# EXHIBIT L

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# PROSPERING

Word Mark	PROSPERING
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Publications, namely, books, booklets, manuals, workbooks, instructor manuals, newsletters, periodicals, paper and transparency documents for display by overhead projector, charts, tables and handouts, all in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finances, and small business
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85481748
Filing Date	November 28, 2011
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior Registrations	3113045;3364998;3688383;3688384;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



# EXHIBIT M

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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## PROSPERING

Word Mark	PROSPERING
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Pre-recorded electronic media products, namely, audiotapes, videotapes, CDs, DVDs, and multimedia computer software for training and education, computer application software for mobile phones, portable computers and desktop computers for training and education, all in the fields of business and investing, including ecommerce, real estate investing, stock market investing, personal finance, small business and starting a home business. FIRST USE: 20111112. FIRST USE IN COMMERCE: 20111112
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85481895
Filing Date	November 28, 2011
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Prosper, Inc. CORPORATION UTAH 5072 North 300 West Provo UTAH 84604
Attorney of Record	Richard L. Hill
Prior Registrations	3113045;3364998;3688383;3688384;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

# EXHIBIT N

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Cancellation Action for PROSPER  
Trademark Registration No.: 4,123,910



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# PROSPER

Word Mark PROSPER

Goods and Services IC 009. US 021 023 026 036 038. G &amp; S: Downloadable electronic publications, namely, magazines, newspapers, newsletters, periodicals in the field of financial information

IC 016. US 002 005 022 023 029 037 038 050. G &amp; S: Magazines, newspapers, newsletters, periodicals in the field of financial information

IC 041. US 100 101 107. G &amp; S: Publication of magazines, newspapers, newsletters, periodicals, electronic magazines

Standard Characters  
Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85142670

Filing Date September 30, 2010

Current Basis 44E

Original Filing Basis 1B;44D

Published for  
Opposition January 24, 2012

Registration Number 4123910

Registration Date April 10, 2012

Owner (REGISTRANT) Felix Dennis INDIVIDUAL UNITED KINGDOM 2nd Floor 9-11 Kingly Street  
London UNITED KINGDOM W1B5PN

Attorney of Record Robert J. deBrauwere

Priority Date March 30, 2010

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL  
Live/Dead Indicator LIVE

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